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| 09/915,712 | 07/26/2001 | David R. Anderson | 8194-506 | 7446 |
| 20792 | 7590 | 03/28/2005 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC | | | KADING, JOSHUA A | |
| PO BOX 37428 | | | ART UNIT | |
| RALEIGH, NC 27627 | | | PAPER NUMBER | |
| | | | 2661 | |

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. 

09/915,712

Applicant(s)

ANDERSON, DAVID R.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-52 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14, 18-27, 53-59, 63-69 and 73-77 is/are rejected.
- 7) ☒ Claim(s) 5-7, 15-17, 60-62 and 70-72 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6-11-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10 Claims 1-4, 11-14, and 20-27 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Statutory Invention Registration H1,880, Vines et al. (Vines).

 Regarding claims 1, 11, 20, and 24, Vines discloses, the methods of claims 1 and 11, and the apparatuses of claims 20 and 24. The apparatuses (and thus the
15 methods) comprising “a controller that designates sources from which packets of digital data will be transmitted to the wireless terminal (figures 2, element 200 and figure 4 shows the wireless system), that provides a packet of digital data for the wireless terminal (figure 7, block 702), and that determines if the packet of digital data is from an acceptable source (figure 7, block 704 where the different data types are from different
20 sources); and a transmitter that transmits the packet of digital data to the wireless terminal if the packet of digital data is from an acceptable source (figure 4 and figure 7, blocks 706 and 710, it should also be noted that to transmit a packet is a form of processing the packet), and that blocks the packet of digital data from transmission to the wireless terminal if the packet of digital data is not from an acceptable source (figure

7, block 708)."

Regarding claims 2, 12, 21, and 25, Vines discloses, "a receiver that receives the acceptable sources from the wireless terminal (figure 4 shows the wireless system with
5 receivers and transmitters, and figure 7, block 702)."

Regarding claims 3, 13, 22, and 26, Vines discloses, "wherein the controller designates at least one class of sources from which packets of digital data will be transmitted to the wireless terminal (figure 7, blocks 706 and 710 where the different
10 data types are of different classes)."

Regarding claims 4, 14, 23, and 27, Vines discloses, "wherein the controller designates at least one specific source from which packets of digital data will be transmitted to the wireless terminal (figure 7, blocks 706 and 710 where the different
15 data types come from different sources)."

Claims 53-55, 63-65, and 73-77 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 01/33889 A1, Amitai-Oreny.

20 Regarding claims 53, 63, 73, and 76, Amitai-Oreny discloses, the methods of claims 53 and 63, and the apparatuses of claims 73 and 76. The apparatuses (and thus the methods) comprising "a controller that provides external request mode enable and

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external request mode disable commands from the wireless terminal (figure 1 shows the wireless system where the terminals inherently have controllers to control operations, and page 8, lines 9-15); and a transmitter that transmits external requests for data transfer to the wireless terminal in response to an external request mode enable
5 command for the wireless terminal (figure 1 and page 8, lines 13-14), and that disregards requests for data transfer at the wireless terminal in response to an external request mode disable command for the wireless terminal (page 8, lines 13-15)."

Regarding claims 54, 64, and 74, Amitai-Oreny discloses, "wherein the controller
10 executes user initiated tasks when the external request mode is enabled and when the external request mode is disabled (page 8, lines 13-15)."

Regarding claims 55, 65, 75, and 77, Amitai-Oreny discloses, "wherein the transmitter transmits radiotelephone pages to the wireless terminal when the external
15 request mode is enabled for the wireless terminal and when the external request mode is disabled for the wireless terminal (page 8, lines 11-15 where the data must be transmitted to the wireless terminal for the user to make a decision)."

Claim Rejections - 35 USC § 103

20 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vines et al. in view of Amitai-Oreny.

Regarding claims 8 and 18, Vines discloses the method of claim 1 and the method of claim 11. However, Vines lacks what Amitai-Oreny disclose, "accepting external request mode enable and external request mode disable commands for the wireless terminal (page 8, lines 9-13); in response to an external request mode enable command, transmitting external requests for data transfer to the wireless terminal (page 8, lines 13-14); and in response to an external request mode disable command, disregarding external requests for data transfer for the wireless terminal (page 8, lines 13-15)." It would have been obvious to one of ordinary skill in the art at the time of invention to have the different actions taken based on the request enable/disable command for the purpose of allowing a user to take appropriate action based on the data. The motivation for allowing a user to take action is so that user can deny access of undesired data to the wireless terminal (Amitai-Oreny, page 8, lines 15-16).

Regarding claim 9, Vines and Amitai-Oreny disclose the method of claim 8. However, Vines lacks what Amitai-Oreny further discloses, "executing user initiated tasks when the external request mode is enabled and when the external request mode

is disabled (page 8, lines 13-15).” It would have been obvious to one of ordinary skill in the art to include the executing of user initiated tasks for the same reasons and motivation as in claim 8.

5 Regarding claims 10 and 19, Vines and Amitai-Oreny disclose the method of claim 8 and the method of claim 18. However, Vines lacks what Amitai-Oreny further discloses, “transmitting radiotelephone pages to the wireless terminal when the external request mode is enabled for the wireless terminal and when the external request mode is disabled for the wireless terminal (page 8, lines 11-15 where the data must be
10 transmitted to the wireless terminal for the user to make a decision).” It would have been obvious to one of ordinary skill in the art to include the transmitting of radiotelephone pages for the same reasons and motivation as in claims 8 and 18.

 Claims 56-59 and 66-69 are rejected under 35 U.S.C. 103(a) as being
15 unpatentable over Amitai-Oreny in view of Vines et al.

 Regarding claims 56 and 66, Amitai-Oreny discloses the method of claim 53 and the method of claim 63. However, Amitai-Oreny lacks what Vines discloses, “designating at the wireless service provider acceptable sources from which packets of
20 digital data will be processed for the wireless terminal (figure 7, block 704 where to detect the frame type, the data must be known and therefore known to be acceptable or not); providing a packet of digital data for the wireless terminal (figure 7, block 702);

determining if the packet of digital data is from an acceptable source designated from the wireless terminal (figure 7, block 704); if the packet of digital data is from an acceptable source, transmitting the packet of digital data (figure 7, blocks 706 and 710); and if the packet of digital data is not from an acceptable source, blocking transmitting of the
5 packet of digital data (figure 7, block 708).” It would have been obvious to one of ordinary skill in the art at the time of invention to determine acceptable sources of data and if acceptable transmitting and if not acceptable not transmitting for the purpose of distinguishing between wanted and unwanted data (Amitai-Oreny, page 8, lines 15-16). The motivation for wanting to distinguish between wanted and unwanted data is so that
10 value time and resources are not wasted processing unwanted data.

Regarding claims 57 and 67, Amitai-Oreny and Vines disclose the methods of claims 56 and 66. However, Amitai-Oreny lacks what Vines further discloses, “wherein designating at the wireless service provider acceptable sources from which digital data
15 will be processed at the wireless terminal comprises receiving the acceptable sources from the wireless terminal (figure 7, block 702).” It would have been obvious to one of ordinary skill in the art at the time of invention to include the acceptable sources of data which will be processed for the same reasons and motivation as in claims 56 and 66.

20 Regarding claims 58 and 68, Amitai-Oreny and Vines disclose the methods of claims 56 and 66. However, Amitai-Oreny lacks what Vines further disclose, “wherein designating at the wireless service provider acceptable sources from which received

digital data will be processed at the wireless terminal comprises designating at least one class of sources from which received digital data will be processed at the wireless terminal (figure 7, blocks 706 and 710 where the different data types are of different classes).” It would have been obvious to one of ordinary skill in the art at the time of invention to include the different classes of data which will be processed for the same reasons and motivation as in claims 56 and 66.

Regarding claims 59 and 69, Amitai-Oreny and Vines disclose the methods of claim 56 and 66. However, Amitai-Oreny lacks what Vines further discloses, “wherein designating at the wireless service provider acceptable sources from which digital data will be processed at the wireless terminal comprises designating at least one specific source from which digital data will be processed at the wireless terminal (figure 7, blocks 706 and 710 where the different data types come from different sources).” It would have been obvious to one of ordinary skill in the art at the time of invention to include the different sources of data which will be processed for the same reasons and motivation as in claims 56 and 66.

Allowable Subject Matter

Claims 5-7, 15-17, 60-62, and 70-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The following is a statement of reasons for the indication of allowable subject matter: Claims 28-52 are allowable because the prior art of record fails to teach, in combination with the other claim limitations, "a blocking mode enable" and "a blocking mode disable" where in response to the enable mode, "processing the packet of digital data only if information in the packet of digital data is required to maintain a communications link, and blocking processing of the packet of digital data if information in the packet of digital data is no required to maintain a communication link;" and where in response to the disable mode, "processing the packet of digital data if information in the packet of digital data is required to maintain a communications link or if information in the packet of digital data is desired at the wireless terminal."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

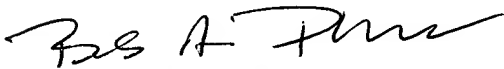
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joshua Kading
Examiner
Art Unit 2661

10 March 17, 2005


BOB PHUNKULH
PRIMARY EXAMINER